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RHJBC DEPARTMENT

F BRANCH

Subject:— Coop. Housing Societies Loans to

B Class

Karnataka

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To Subdt. RSC
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File No.

Std. Seats. Slip 24-A

GOVERNMENT OF BOMBAY.

LABOUR DEPARTMENT.

Resolution No. 41/48.

Bombay Castle, 5th May 1948.

Read paragraph 8 of Government Resolution (Political and Services Department), No. 751/46, dated the 3rd November 1947.

Read Government Resolution (Political and Services Department), No. 751/46, dated the 6th February 1948.

Read Government Resolution (Labour Department), No. 751/46, dated the 26th February 1948.

RESOLUTION.—The existing orders of Government on the question of assistance to Co-operative Housing Societies building houses in Bombay City and Suburbs, Ahmedabad, Poona, Sholapur and Hubli are :—

(*a*) Co-operative Housing Societies constructing tenements consisting of two living rooms and a kitchen (with other amenities) or of a lesser size may be granted loans at 3 per cent. or ½ per cent. less than the Government borrowing rate, whichever is higher. These loans may be to the extent of 75 per cent. of the value of the land and buildings in the case of Tenant Co-partnership Societies and to the extent of 60 per cent. in the case of other societies.

(*b*) Co-operative Housing Societies constructing tenements of higher standards than those mentioned in sub-paragraph (*a*) above, may be given loans to the extent of 50 per cent. of the value of the land and buildings at the rate of 1/2 per cent. above the bank rate, provided the bank rate is not lower than the rate at which Government has itself borrowed on the last occasion before giving loans.

(*c*) The maximum limits of loans to be granted under sub-paragraphs (*a*) and (*b*) should be fixed at Rs. 5,000 per tenement in Bombay City and Suburbs and Rs. 4,000 per tenement elsewhere.

(*d*) The period of repayment of loans should be 35 years.

2. The Co-operative Housing Sub-Committee of the Bombay Provincial Housing Advisory Committee has since recommended that the limits of financial aid specified in paragraph 1 (*c*) of this Resolution should be abolished. The Housing Board supported this recommendation. Government has accepted this recommendation and accordingly the orders issued in Government Resolution (Labour Department), No. 751/46, dated the 26th February 1948, are cancelled.

3. The question of framing Rules for the grant of aid under the Housing Programme to Co-operative Housing Societies and private individuals was engaging the attention of Government for some time past. These Rules have now been framed and are printed as an accompaniment to this Government Resolution.

4. The Superintendent, Government Printing and Stationery, should keep a sufficient number (say, 5,000) of copies of the Rules for supply to the officers of this Government on indent. He should supply five hundred copies of the Rules to the Labour Department.

5. The Director of Publicity should issue a Press Note (draft herewith) and give wide publicity to it in Bombay City and Suburbs and in the Cities of Ahmedabad, Poona, Sholapur and Hubli. The Director should supply one thousand copies of the Press Note to this Department.

By order of the Governor of Bombay,

N. K. DRAVID,

Secretary to the Government of Bombay,
Labour Department.

The Housing Commissioner, Bombay,
The Assistant Housing Commissioners,
The Collector of Bombay and Bombay Suburban District,
The Collector of Ahmedabad,
The Collector of Poona,
The Collector of Sholapur,
The Collector of Dharwar,
The Superintendent, Government Printing and Stationery, Bombay,
The Director of Publicity, Bombay,
The Consulting Surveyor to the Government of Bombay,
The Registrar of Co-operative Societies, Province of Bombay,
The Deputy Registrars of Co-operative Societies,
The Assistant Registrars of Co-operative Societies,
The Accountant General, Bombay,
The Finance Department,
The Revenue Department,
All other Departments of the Secretariat,
All Members of the Bombay Provincial Housing Advisory Committee.

No. of 1948.

Copy forwarded for information and guidance to

Accompaniment to Government Resolution, Labour Department, No. 41/48, dated the 5th May 1948.

Rules for grant of aid under the Housing Programme to Co-operative Housing Societies and private individuals.

I. LAND.

1. All applications for land required for building purposes should be made to the Collector in whose jurisdiction the land is situated.

2. The application must be accompanied by a plan showing the land required, its Survey No., area, ownership, etc., and the approximate number of persons to be housed.

3. The Collector should scrutinise the applications as regards the suitability of the lands asked for, for a housing scheme, their value and the feasibility of their acquisition if they are private.

4. In the case of Government lands, the Collector should state whether they should be allotted to the Societies asking for them for housing purposes.

5. The Collector should forward the applications with his remarks thereon, to the Labour Department through the Housing Commissioner.

6. The Housing Commissioner should scrutinise the applications as regards the applicants' requirements of land in relation to the number of persons to be housed and state whether the land in question has been earmarked for any other purpose.

7. The applications for lands should be considered on their merits in the Labour Department.

8. The Revenue Department and the Finance Department should be consulted before the applications for lands are granted.

9. In the case of private lands, the Revenue Department should be requested to take necessary action for their acquisition if acquisition is decided upon.

10. In the case of Government lands, they should be either sold outright or given on lease, on terms which should be settled in each individual case.

11. The Collectors should take necessary steps for the allotment of lands to the applicants when the applications for lands are granted.

12. The Collectors should make a periodical report to the Labour Department of the work done in this matter.

13. The Co-operative Housing Societies intending to have their own layouts should be at liberty to do so on condition that their layouts are approved by the Consulting Surveyor to Government or any other officer appointed for this purpose.

14. When more than one Society is interested and likely to be affected by the development of certain area, the layouts should be prepared by the Consulting Surveyor to Government or any other officer appointed for this purpose.

15. Applications from the Co-operative Housing Societies for building materials required by them, should be made to the Assistant Housing Commissioner (Materials), Bombay.

16. The Assistant Housing Commissioner (Materials), Bombay, should give preference to the applications from the Co-operative Housing Societies for building materials.

III. FINANCE.

17. The Co-operative Housing Societies constructing tenements consisting of two living rooms and a kitchen (with other amenities) or of a lesser size should be granted loans at 3 per cent. or 1/2 per cent. less than the Government borrowing rate, whichever is higher.

18. These loans should be to the extent of 75 per cent. of the value of land and buildings in the case of Tenant Co-partnership Societies and to the extent of 60 per cent. in the case of other societies.

19. The Co-operative Housing Societies constructing tenements of higher standards than those mentioned in rule 17 should be given loans to the extent of 50 per cent. of the value of the land and buildings at the rate of 1/2 per cent. above the bank rate provided the bank rate is not lower than the rate at which Government has itself borrowed on the last occasion before giving loans.

20. The period of repayment of the loans should be 35 years.

21. All applications for loans should be made to the Deputy Registrar of Co-operative Societies of the Division in which the Societies asking for such loans lie, through the Assistant Registrar of the Co-operative Societies.

22. All applications for loans must be accompanied by plans and estimates with specifications for buildings to be constructed and a certificate from the Collector in whose jurisdiction the land on which the buildings are to be constructed is situated, as to the title of the Society to the land which should be offered as security against the loan asked for as well as the value of the land.

23. The Deputy Registrars of Co-operative Societies should forward these applications with their remarks thereon, to the Housing Commissioner, Bombay.

24. The Housing Commissioner should scrutinise the plans and estimates and forward the applications with his remarks to Government in the Labour Department.

25. In the case of any partially completed construction, the Housing Commissioner should attach a certificate regarding the value of any such partially completed construction.

26. The applications should be considered in the Labour Department and loans should be sanctioned separately in each case.

27. Loans should be sanctioned for the whole amount but they should be made payable by one or more instalments, as may be decided in each individual case.

28. The Finance Department should be consulted before the loans are sanctioned.

29. After the loans are sanctioned, the applications should be passed on to the Deputy Registrars of Co-operative Societies concerned who should make arrangements for the payment of the amounts of sanctioned loans, execution of necessary deeds and all other work required to be done in that respect.

30. The Deputy Registrars of Co-operative Societies should do all the work relating to the recoveries of the amounts of loans given to the Co-operative Housing Societies together with interest thereon, postponements to be allowed if any, of the payment of instalments of the loans and interest by the Societies concerned and such other work in this respect as is necessary in order to safeguard Government's money invested in loans.

31. The Deputy Registrars of Co-operative Societies should take necessary steps for obtaining the security of lands and buildings to be constructed, against which the loans are to be granted.

32. The Deputy Registrars of Co-operative Societies should submit an annual report regarding the work done in this matter to Government in the Labour Department through the Registrar of Co-operative Societies.

Applications for loans and lands from Co-operative Housing Societies under the - of Government.

Government of Bombay,
Labour Department,
Circular No.41/48.
Bombay Castle, 9th November 1948.

CIRCULAR: With reference to the orders issued in Government Resolution, Labour Department, No.41/48, dated the 5th May 1948, it has been observed that there are several delays in the disposal of applications for loans and lands from Cooperative Housing Societies. With a view, therefore, to enabling/such applications by the officers concerned, the following instructions should be observed strictly in future:-

/Government to ascertain the progress made in the disposal of

2. I APPLICATIONS FOR LOANS.

(1) The Assistant Registrars of Co-operative Societies should, by the 20th of every month starting from the 20th November 1948, forward to the Deputy Registrars of their respective circles a statement in the form attached to this Circular (Statement I) after filling in the columns 1 to 7 therein. If information wanted in any particular column is not readily available on their records, the statements should be passed on by the due date with those columns left blank, but immediate steps should be taken to collect the required -- information so as to incorporate it in the statement the following month.

(2) The Deputy Registrars of Co-operative Societies should, by the 26th of every month starting from the 26th November 1948, forward the statements received from the Assistant Registrars to this Department direct after filling in columns 8 and 9.

(3) The Housing Commissioner, Bombay, should, by the 26th of every month starting from the 26th November 1948, forward a statement as above to this Department after filling in columns 1, 6, 10 and 11.

3. II APPLICATIONS FOR LANDS.

(1) The Collectors should, by the 26th of every month starting from the 26th November 1948, forward to this Department direct a statement in the form attached to this Circular (Statement II) after filling in columns 1 to 7 therein. If information wanted in any particular column is not readily available on their records, the instructions as in para 2(i) above should be followed.

(2) The Housing Commissioner, Bombay, should, by the 26th of every month starting from the 26th November 1948, forward to this Department a statement as above after filling in columns 1, 6, 8 and 9.

4. Information in the form of these statements should be supplied in respect of all pending applications to date, as well as all applications that may be received in future from time to time. The officers concerned are requested to forward

their ...

their statements duly filled in by the dates specified without fail, so as to enable this Department to consolidate these statements by the first week of every month. Where there is no information to be supplied, blank statements should be forwarded by the dates specified.

By order of the Governor of Bombay,

Sd/- A. F. GANDHI.

For Secretary to the Government of Bombay,
Labour Department.

To

All Assistant Registrars of Co-operative Societies,
The Deputy Registrars of Co-operative Societies,
The Registrar of Co-operative Societies,
Bombay Province /, Poona, (for information),
The Collectors of Ahmedabad, Bombay and Bombay Suburbar District, Poona, Sholapur, Dharwar and Thana.
The Housing Commissioner, Bombay,
The Revenue Department,
The Finance Department.

True Copy.

3/3/53

(M. A. Joshi.)
Superintendent, Public Works Department,
Secretariat.

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Statement to be filled in in respect of applications for loans from Co-operative Housing Societies.

STATEMENT I.

Name of Society	Date of receipt of application for registration under the Co-operative Societies Act.	Date of registration of the Society	Brief reasons for delay in registration in cases where the time taken for registration exceeds one month.	Date of receipt of loan application by the Assistant Registrar	Amount of loan applied for.	Present disposal of case by the Asstt. Registrar with brief reasons for delay, if the case has remained with the Asstt. Registrar for over 10 days.	Date of receipt of loan application papers by the Deputy Registrar	Present disposal of case by the Deputy Registrar with brief reasons for delay, if the case has remained with the Deputy Registrar for over 10 days.	Date of receipt of loan application papers by the Housing Commissioner.	Present disposal of case by the Housing Commissioner with brief reasons for delay, if the case has remained with Housing Commissioner for over ten days.
1	2	3	4	5	6	7	8	9	10	11

Statement to be filled in in respect of applications for lands from Co-operative Housing Societies.

STATEMENT II.

Name of Society	Date of receipt of application for registration under the Co-operative Societies Act.	Date of registration of the Society	Breaf reasons for delay in registration in cases where the time taken for registration exceeds 1 month	Date of receipt of land application by the Collector.	Particulars of land applied for.	Present disposal of case by the Collr. with brief reasons for delay, if the case has remained with the Collr. for over 10 days.	Date of receipt of application papers by the Housing Commr.	Present disposal of the case by the Housing Commissioner with brief reaons for delay if the case has remained with the Housing Commissioner for over 10 days.
1	2	3	4	5	6	7	8	9

N.B. The information for columns 2, 3 and 4 should be obtained by the Collectors from the Assistant or Deputy Registrars of Cooperative Societies concerned.

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RULES FOR GRANT OF AID UNDER THE HOUSING PROGRAMME TO CO-OPERATIVE HOUSING SOCIETIES AND PRIVATE INDIVIDUALS.

I. LAND.

1. All applications for land required for building purposes should be made to the Collector in whose jurisdiction the land is situated.

2. The application must be accompanied by a plan showing the land required, its survey number, area, ownership, etc., and the approximate number of persons to be housed.

3. The Collector should scrutinise the applications as regards the suitability of the lands asked for, for a housing scheme, their value and the feasibility of their acquisition if they are private.

4. In the case of Government lands, the Collector should state whether they should be allotted to the Societies asking for them for housing purposes.

5. The Collector should forward the applications with his remarks thereon, to the Labour Department through the Housing Commissioner.

6. The Housing Commissioner should scrutinise the applications as regards the applicants' requirements of land in relation to the number of persons to be housed and state whether the land in question has been earmarked for any other purpose.

7. The applications for lands should be considered on their merits in the Labour Department.

8. The Revenue Department and the Finance Department should be consulted before the applications for lands are granted.

9. In the case of private lands, the Revenue Department should be requested to take necessary action for their acquisition if acquisition is decided upon.

10. In the case of Government lands, they should be either sold outright or given on lease, on terms which should be settled in each individual case.

11. The Collectors should take necessary steps for the allotment of lands to the applicants when the applications for lands are granted.

12. The Collectors should make a periodical report to the Labour Department of the work done in this matter.

13. The Co-operative Housing Societies intending to have their own layouts should be at liberty to do so on condition that their layouts are approved by the Consulting Surveyor to Government or any other officer appointed for this purpose.

14. When more than one Society is interested and likely to be affected by the development of certain area, the layouts should be prepared by the Consulting Surveyor to Government or any other officer appointed for this purpose.

II. MATERIALS.

15. Applications from the Co-operative Housing Societies for building materials required by them, should be made to the Assistant Housing Commissioner (Materials), Bombay.

16. The Assistant Housing Commissioner (Materials), Bombay, should give preference to the applications from the Co-operative Housing Societies for building materials.

III. FINANCE.

17. The Co-operative Housing Societies constructing tenements consisting of two living rooms and a kitchen (with other amenities) or of a lesser size should be granted loans at 3 per cent. or 1/2 per cent. less than the Government borrowing rate, whichever is higher.

18. These loans should be to the extent of 75 per cent. of the value of land and buildings in the case of Tenant Co-partnership Societies and to the extent of 60 per cent. in the case of other societies.

19. The Co-operative Housing Societies constructing tenements of higher standards than those mentioned in rule 17 should be given loans to the extent of 50 per cent. of the value of the land and buildings at the rate of 1/2 per cent. above the bank rate provided the bank rate is not lower than the rate at which Government has itself borrowed on the last occasion before giving loans.

20. The period of repayment of the loans should be 35 years.

21. All applications for loans should be made to the Deputy Registrar of Co-operative Societies of the Division in which the Societies asking for such loans lie, through the Assistant Registrar of the Co-operative Societies.

22. All applications for loans must be accompanied by plans and estimates with specifications for buildings to be constructed and a certificate from the Collector in whose jurisdiction the land on which the buildings are to be constructed is situated, as to the title of the Society to the land which should be offered as security against the loan asked for as well as the value of the land.

23. The Deputy Registrars of Co-operative Societies should forward these applications with their remarks thereon, to the Housing Commissioner, Bombay.

24. The Housing Commissioner should scrutinise the plans and estimates and forward the applications with his remarks to Government in the Labour Department.

25. In the case of any partially completed construction, the Housing Commissioner should attach a certificate regarding the value of any such partially completed construction.

26. The applications should be considered in the Labour Department and loans should be sanctioned separately in each case.

27. Loans should be sanctioned for the whole amount but they should be made payable by one or more instalments, as may be decided in each individual case.

28. The Finance Department should be consulted before the loans are sanctioned.

29. After the loans are sanctioned, the applications should be passed on to the Deputy Registrars of Co-operative Societies concerned who should make arrangements for the payment of the amounts of sanctioned loans, execution of necessary deeds and all other work required to be done in that respect.

30. The Deputy Registrars of Co-operative Societies should do all the work relating to the recoveries of the amounts of loans given to the Co-operative Housing Societies together with interest thereon, postponements to be allowed if any, of the payment of instalments of the loans and interest by the Societies concerned and such other work in this respect as is necessary in order to safeguard Government's money invested in loans.

31. The Deputy Registrars of Co-operative Societies should take necessary steps for obtaining the security of lands and buildings to be constructed, against which the loans are to be granted.

32. The Deputy Registrars of Co-operative Societies should submit an annual report regarding the work done in this matter to Government in the Labour Department through the Registrar of Co-operative Societies.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Assistance to Co-operative Housing Societies under the Housing Programme of Government.

Amendment to the rules for the grant of -

GOVERNMENT OF BOMBAY,
Labour and Housing Department,
Resolution No. 41/48,
Bombay Castle, October 1951.

Read Government Resolution, Labour Department, No. 41/48, dated the 5th May 1948.

Read Government Resolution, Labour Department, No. 41/48, dated the 14th December 1948.

Read Government Resolution, Labour Department, No. 41/48, dated the 21st February 1949.

Read Government Resolution, Labour Department, No. 41/48, dated the 17th May 1949.

Read Government Resolution, Labour Department, No. 41/48, dated the 7th September 1949.

RESOLUTION: Government is pleased to direct that the following amendment should be made to the rules for the grant of assistance under the Housing Programme to Co-operative Housing Societies, which are printed as an accompaniment to Government Resolution, Labour Department, No. 41/48, dated the 5th May 1948 and amended by Government Resolutions, Labour Department, No. 41/48, dated the 14th December 1948, 21st February 1949, and 17th May 1949:-

After rule 19-A, the following rule should be inserted, viz:-

"19-B. Such members of a Co-operative Housing Society who have not resided for a minimum period of two years in the place where the Society intends to construct its buildings, will not be eligible to the benifit of the loan to be granted to the Society. The amount of the loan admissible to such a Society under rule 18 will be subject to proportionate reduction".

2. The following amendment should also be made to the Application Form for grant of loan to Co-operative Housing Societies (Form II) printed as an accompaniment to Government Resolution, Labour Department, No. 41/48 dated the 7th September 1949:-

After column 6 of the Application Form II, the following column should be inserted, viz:-

"6-A. Number of members, otherwise eligible, who have not resided for a minimum period of two years in the place where the Society intends to construct tenements".

By order of the Governor of Bombay,

For Secretary to the Government of Bombay,
Labour and Housing Department.

To....

GOVERNMENT OF BOMBAY.

LABOUR DEPARTMENT.

Resolution No. 41/48.

Bombay Castle, 21st February 1949.

Read Government Resolution, Labour Department, No. 41/48, dated the 5th May 1948 as amended by Government Resolution, Labour Department, No. 41/48, dated the 14th December 1948.

Letter from the Revenue Department to the Registrar of Co-operative Societies and Director of Agricultural Marketing and Rural Finance No. 2688-J/45, dated the 19th January 1949, regarding a scheme for financing Co-operative Housing through the Bombay Provincial Co-operative Land Mortgage Bank Limited.

" Reference your letter No. 7359/2, dated 16th/17th August 1948.

" Government approves of the proposal of the Bombay Provincial Co-operative Land Mortgage Bank, Limited, to undertake finance to Co-operative Housing Societies not covered by the Labour Department scheme for such finance in the industrial towns of Bombay, Poona, Ahmedabad, Hubli and Sholapur. It has been decided to restrict the Labour Department scheme only to such societies in the five towns as will undertake to construct standard type of tenements consisting of two rooms and a kitchen with a carpet area not exceeding 450 square feet plus passage, verandah, bathroom, lavatory, etc. The necessary orders will issue from Government in the Labour Department.

" 2. In order to enable the Bank to undertake the business, Government is pleased to permit the Bank to float a fresh series of debentures for the purpose, Government giving the necessary guarantee as usual. Please arrange to submit to Government detailed proposals in this respect after consultation with the Reserve Bank of India.

" 3. In order to enable the Bank to advance loans for housing at 4½ to 4¾ per cent. Government is pleased to sanction a subsidy upto a limit of Rs. 15,000 per annum on account of 1½ per cent. margin to cover management expenses and to make a reasonable contribution towards payment of dividend on share capital of the Bank.

" 4. Government is also pleased to approve the proposal for grant of a subsidy for first three years to the Bank on account of the special staff which would be required to be maintained by it in connection with the scheme to the condition that the staff so employed is cut down to the minimum possible in view of the subsidy being restricted to Rs. 15,000. Please intimate to Government the exact amount which would be required by the Bank for this purpose."

RESOLUTION.—In view of the scheme approved by Government for financing Co-operative Housing Societies through the Bombay Provincial Co-operative Land Mortgage Bank Limited, Government is pleased to direct that financial assistance to Co-operative Housing Societies in Bombay, Bombay Suburban District, Ahmedabad, Poona, Sholapur and Hubli, under the Housing Programme of Government should now be restricted only to such Societies as have undertaken or will undertake to build tenements of the standard type i.e. tenements consisting of " two living rooms and a kitchen ", plus passage, verandah, bathroom, lavatory, etc., the carpet area of " two living rooms and a kitchen " not exceeding 450 sq. ft.

2. Those Societies which want financial assistance for tenements which are above the standard type, should be advised to apply for such assistance to the Bombay Provincial Co-operative Land Mortgage Bank Limited. All applications from Co-operative Housing Societies for financial assistance in respect of tenements above the standard type, which may have been submitted before the date of these orders either to the Assistant or Deputy Registrars or the Housing Commissioner, Bombay, in accordance with the procedure prescribed in the Government Resolutions referred to in the preamble to this Resolution, should not, therefore, be considered now. Only applications in respect of tenements of, and below the standard type should be considered and forwarded to Government in accordance with the prescribed procedure.

3. The following amendments should be made to the assistance rules printed as an accompaniment to Government Resolution, Labour Department, No. 41/48, dated the 5th May 1948 as amended by Government Resolution, Labour Department, No. 41/48, dated the 14th December 1948 :—

(1) To rule 17 the following should be added, namely,

" The carpet area of two living rooms and a kitchen should not exceed 450 sq. ft."

(2) Rule 19 should be deleted.

(3) In rule 19-A, the word and figure " or 19 " occurring in the last line should be deleted.

By order of the Governor of Bombay,

N. K. DRAVID,
Secretary to Government.

G. R., No. 41/48, Lab. D., dated the 21st February 1949.

To

The Commissioners of Divisions,
The Chairman, Bombay Housing Board (with copies of Government Resolutions, Labour Department, No. 41/48, dated the 5th May 1948 and 14th December 1948),
The Housing Commissioner, Bombay,
The Assistant Housing Commissioner, (North), Bombay,
The Assistant Housing Commissioner, (West), Bombay,
The Assistant Housing Commissioner (South), Sholapur,
The Collector of Bombay and Bombay Suburban District,
The Collector of Ahmedabad,
The Collector of Poona,
The Collector of Sholapur,
The Collector of Dharwar,
The Collector of Thana,
The Director of Publicity,
The Consulting Surveyor to Government,
The Registrar of Co-operative Societies, Bombay Province,
The Deputy Registrar of Co-operative Societies, Gujarat Range, Surat,
The Deputy Registrar of Co-operative Societies, Northern Central Range, Nasik,
The Deputy Registrar of Co-operative Societies, South Central Range, Satara,
The Deputy Registrar of Co-operative Societies, Southern Range, Belgaum,
All Assistant Registrars of Co-operative Societies,
The Accountant General, Bombay,
The Finance Department,
The Revenue Department,
All other Departments of the Secretariat,
The Members of the Co-operative Housing Sub-Committee,
The Members of the Finance Sub-Committee.

No. of 1949.

Copy forwarded for information and guidance to

GOVERNMENT OF BOMBAY.

LABOUR DEPARTMENT.

Resolution No. 41/48.

Bombay Castle, 17th May 1949.

Read the Rules for the grant of assistance, under the Housing Programme of Government, to Co-operative Housing Societies in the matter of lands and loans, printed as an accompaniment to Government Resolution, Labour Department, No. 41/48, dated the 5th May 1948, as amended by Government Resolutions, Labour Department, Nos. 41/48 dated the 14th December 1948 and 21st February 1949.

RESOLUTION.—It has been decided that the scheme of financial assistance available to Co-operative Housing Societies in Bombay, Bombay Suburban District, Ahmedabad, Poona, Sholapur and Hubli, under the Rules mentioned in the preamble above, should now be extended to Co-operative Housing Societies constructing tenements at places in the Thana District, reached from Bombay up to Borivli along the B. B. & C. I. Railway, and Mulund along the G. I. P. Railway.

2. It has also been decided now that this scheme should *not* apply to those Co-operative Housing Societies that are composed wholly of refugee members. Such Societies will be eligible for financial assistance under a similar scheme to be administered by the Rehabilitation Department. The details of this scheme are under consideration in the Rehabilitation Department and orders in the matter will be issued by that Department.

In the case of Societies composed partly of non-refugee and partly of refugee members, the loan requirements of non-refugee members will be considered by the Labour Department while those of refugee members will be considered by the Rehabilitation Department. If, therefore, the Assistant and Deputy Registrars and the Housing Commissioner, Bombay, receive applications for loans from Societies composed both of non-refugee and refugee members, they should return the applications to the Societies in question with clear instructions to submit separate applications in respect of loans for their non-refugee and refugee members.

The Assistant and Deputy Registrars should make a categorical statement in their forwarding reports to this Department through the Housing Commissioner, Bombay, that the loan applications are in respect of Societies, composed wholly of non-refugee members, or, in the case of mixed Societies, the non-refugee members only of those Societies.

3. The following amendment should be made to the assistance rules mentioned in the preamble above :—

After rule 16, the following rule should be inserted, viz. :—

"16-A. The Co-operative Housing Societies constructing tenements at Bombay, Bombay Suburban District, Ahmedabad, Poona, Sholapur, Hubli and places in the Thana District reached from Bombay up to Borivli along the B. B. & C. I. Railway and Mulund along the G. I. P. Railway, will be eligible for grant of a loan under these rules."

By order of the Governor of Bombay,

N. K. DRAVID,
Secretary to the Government of Bombay,
Labour Department.

[*P.T.O.*

MO-II Lab. H 1

To

The Commissioners of Divisions,
The Chairman, Bombay Housing Board,
The Housing Commissioner, Bombay,
The Assistant Housing Commissioners, Bombay,
The Collector of Bombay and Bombay Suburban District,
The Collector of Ahmedabad,
The Collector of Poona,
The Collector of Sholapur,
The Collector of Dharwar
The Collector of Thana,
The Director of Publicity,
The Consulting Surveyor to Government,
The Registrar of Co-operative Societies, Bombay Province, Poona,
All Deputy Registrars of Co-operative Societies,
All Assistant Registrars of Co-operative Societies,
The Accountant General, Bombav,
The Finance Department,
The Revenue Department,
The Rehabilitation Department,
All other Departments of the Secretariat.

Assistance to Co-operative Housing Societies under the Housing Programme of Government.

Forms prescribed for submitting applications for —

GOVERNMENT OF BOMBAY.

LABOUR DEPARTMENT.

Resolution No. 41/48.

Bombay Castle, 7th September 1949.

Read Government Resolutions, Labour Department, No. 41/48, dated the 5th May 1948, 14th December 1948, 21st February 1949 and 17th May 1949.

Letter from the Housing Commissioner, Bombay, No. 4(11)/GEN(1)/5828-B, dated 4th July 1949.

"As per Government Resolution (Labour Department) Nos. 41/48, dated 5th May 1948, 14th December 1948, 21st February 1949 and 17th May 1949, assistance to Co operative Housing Societies is to be given in securing land and loan from Government.

2. Applications for land are to be made to the Secretary to the Government of Bombay, Labour Department, through the Collector of the District concerned and the Housing Commissioner, Bombay, and those for loan through the Assistant and the Deputy Registrars of Co-operative Societies and the Housing Commissioner, Bombay.

3. At present applications received do not give full particulars and a good deal of time is spent in correspondance for getting the required information. I, therefore, propose that applications for land and loan may be made in prescribed forms which may be printed. Two draft forms—one for land and the other for loan are enclosed for approval. I suggest that these forms may be printed and a press note may be issued that the applications should be made in the prescribed forms which can be obtained from the offices of the Housing Commissioner and Collectors of the districts concerned in the case of applications for land and from the offices of the Assistant Registrars and Housing Commissioner in the case of applications for loan.

4. In regard to the certificates to be issued by the Housing Commissioner for instalments of loan, it is proposed to adopt from No. 3 (copy enclosed.)"

RESOLUTION.—Government is pleased to accept the proposal of the Housing Commissioner, Bombay, that applications for lands and for loans by Co-operative Housing Societies seeking assistance under the Housing Programme of Government, should in future be made to the officers concerned in the Forms I and II prescribed in the accompaniment to this Resolution.

2. The Superintendent, Government Printing and Stationery, should arrange to print 500 copies of Form I and supply 50 copies each to the Collectors of Bombay, Bombay Suburban District, Thana, Ahmedabad, Sholapur, Poona and Dharwar and the Housing Commissioner, Bombay, direct, keeping 100 in stock. He should also arrange to print 600 copies of Form II and supply 50 copies each to the Assistant Registrars of Co-operative Societies at Bombay, Ahmedabad, Poona, Sholapur and Dharwar, the Deputy Registrars of Co-operative Societies at Surat, Nasik, Satara and Belgaum and the Housing Commissioner, Bombay, direct, keeping 100 in stock. The balance of copies of forms I and II stocked by the Superintendent may be supplied to the officers mentioned above on indent, when necessary.

3. The cost of printing these forms should be debited to the head "25-General Administration-C-Secretariat and Headquarters Establishments-Labour Department-Contingencies".

4. With reference to paragraph 4 of the Housing Commissioner's letter mentioned in the preamble to this Resolution, the Housing Commissioner's proposal to adopt forms Nos. III and III-A is approved. He can prepare cyclostyled copies to the extent required for his use.

5. All Collectors, Assistant Registrars and Deputy Registrars concerned and the Housing Commissioner, Bombay, should, in future, entertain applications for lands and for

loans from Co-operative Housing Societies in the prescribed forms only. Copies of these forms may be supplied to *bona fide* Co-operative Housing Societies only, on application, free of charge.

By order of the Governor of Bombay,

C. K. MARU,
for Secretary to the Government of Bombay,
Labour Department.

G. R., L. D., No. 41/48, dated the 7th September 1949.

To

The Housing Commissioner, Bombay,
The Assistant Housing Commissioners,
The Collector of Bombay and Bombay Suburban District,
The Collector of Thana,
The Collector of Ahmedabad,
The Collector of Poona,
The Collector of Sholapur,
The Collector of Dharwar,
The Deputy Registrar of Co-operative Societies, Surat,
The Deputy Registrar of Co-operative Societies, Nasik,
The Deputy Registrar of Co-operative Societies, Satara,
The Deputy Registrar of Co-operative Societies, Belgaum,
The Assistant Registrar of Co-operative Societies, Bombay,
The Assistant Registrar of Co-operative Societies, Ahmedabad,
The Assistant Registrar of Co-operative Societies, Poona,
The Assistant Registrar of Co-operative Societies, Sholapur,
The Assistant Registrar of Co-operative Societies, Dharwar,
The Registrar of Co-operative Societies, Bombay Province, Poona,
The Superintendent, Government Printing and Stationery, Bombay,
The Accountant General, Bombay,
The Revenue Department,
The Finance Department,
All other Departments of the Secretariat (except the Separate Department).

No. of 1949.

Copy forwarded for information and guidance to

Accompaniment to Government Resolution, Labour Department, No. 41/48, dated 7th September 1944.

FORM I.

AN APPLICATION FORM FOR THE ACQUISITION OR GRANT OF LAND FOR A CO-OPERATIVE HOUSING SOCIETY.

Name of Society

Address :

DATE :

To

The Collector,

_____

_____

Sir,

On behalf of the ..... I hereby request you kindly to acquire private land / to sell Government land admeasuring ..... acres/sq. yards bearing S. No./s ..... of Village ..... District ..... for / to the society for constructing residential buildings. The society agrees to pay the cost of acquisition that may be fixed by / the price for the land that may be fixed by Government. / Government.

2. Particulars of the Society are given in the accompanying statement.

Yours faithfully,

Secretary.

Accompts :
3 plans of the land to be acquired.

(Name of Society) .....
Co-operative Housing Society.

ACCOMPANIMENT TO THE APPLICATION FOR LAND REQUIRED BY CO-OPERATIVE HOUSING SOCIETIES :

1. Name of Society.
2. Registered No.
3. Nature of Society. Whether Tenant ownership or Tenant Co-Partnership.
4. No. of members on the Societies' Register.
5. No. of members who own land or buildings in the District in which land is asked for.
6. No. of members who are displaced persons.
7. No. of tenements proposed to be constructed by the Society.

8. Detailed description of the land with a site plan showing the S. Nos., their areas and other details.

9. Whether the land is vacant or any structures are standing thereon.

Secretary,

..... Co-operative Housing Society Ltd.

(Endorsement by the Collector).

Passed on, with compliments, to the Housing Commissioner, Bombay, for further disposal with the following remarks :—

(1) Whether there is any objection for acquiring private land applied for by the Society or to sell Government land in question to the Society. If so, what are the objections?

(2) The approximate cost of acquiring the land and the structures, if any, standing on it, or the value of Goverment land in question.

(3) Other remarks, if any.

Collector.

To

(Endorsement by the Housing Commissioner, Bombay).

Passed on, with compliments, to the Secretary to the Government of Bombay, Labour Department, Bombay.

(1) Whether the land has been earmarked for any other purposes.

(2) Whether the area asked for is considered reasonable for the needs of the Society.

Housing Commissioner,
Bombay.

Government orders on the case :

FORM II

AN APPLICATION FORM FOR GRANT OF LOAN TO CO-OPERATIVE HOUSING SOCIETIES.

To,

The Deputy Registrar of Co-operative Societies,
Through the Assistant Registrar, Co-operative Societies,

Sir,

*Name of Society.

I on behalf of the* ..... hereby apply for the grant of a loan by Government for constructing residential tenements for the members of the Society.

2. The required information is given in the accompanying statement.

Yours faithfully,

Secretary,
(Name of Society) .....
Co-operative Housing Society.

Accompts :

Statement
Plans and estimates } in triplicate.

Address of Society.

ACCOMPANIMENT TO THE APPLICATION FOR THE GRANT OF LOAN TO CO-OPERATIVE HOUSING SOCIETIES.

1. Name of Society.
2. Registered No.
3. Nature of Society. Whether Tenant Ownership or Tenant Co-Partnership.
4. Number of registered members.
5. Whether the society consists wholly or partly of displaced persons from Pakistan. If latter the No. of members other than displaced persons from Pakistan.

   NOTE :—The loan given by Government is restricted to the tenements to be constructed for persons other than displaced persons. Applications for loan required for tenements of displaced persons should be made to the Rehabilitation Department through the Assistant Registrar, Co-operative Housing Societies, in a form prescribed by that department.
6. No. of members owning land or buildings in the District in which the society intends to construct tenements.
7. No. of tenements proposed to be constructed by the society.
   (*a*) Nos. of the standard type (not exceeding 450 sq. ft. of floor area).
   (*b*) Nos. above the standard type.

   NOTE :—Tenements above the standard type are not eligible to get any loan from Government. Applications for loan for such tenements are to be made to the Provincial Land Mortgage Bank Ltd.
8. Whether land required has been secured.
   (*a*) Plan of the land showing its S. Nos. and area etc.
   (*b*) Whether purchased outright.
   (*c*) Or leased
   (Give period of lease).
9. Cost of land.
   (Attach a certificate of the Collector about its value and the society's title to the land).
10. Whether the layout has been approved by the Consulting Surveyor or by the Municipality concerned.
11. Whether detailed plans and estimates of the tenements to be constructed with the layout plan, prepared and certified by the Society's architects are attached in triplicate.
12. The cost of structures of the standard type as estimated.
    (1) Nos.
    (2) Cost.
    (3) Rate per sq. ft., of plinth area.
    (4) Rate per sq. ft., of structures.
13. The total cost including cost of land on the security of which loan is asked for.

14. Percentage of total cost for which loan is required.

15. Amount of loan applied for.

16. Copy of the latest balance sheet of the Society.

17. Other remarks and particulars if any.

Secretary,

.....

Co-operative Housing Society.

Certificate of the Society's Architect.

Certified that the plans and estimate for the work have been prepared by us and the information given in cols. 10 and 11 is verified by us and found to be correct.

(Signature of Architect.)

(Endorsement by the Assistant Registrar).

(1) Whether the Society is a Tenant Ownership or Tenant Co-partnership.

(2) The No. of tenements of members eligible for the loan (excluding those who are displaced persons from Pakistan and those owning buildings or land in the District concerned, and excluding those of higher standard.)

(3) Percentage of loan and rate of interest at which loan is admissible.

(4) Whether the share capital is adequate as per rules.

(5) Whether loan is recommended.

(6) Other remarks and particulars, if any.

Remarks by the Deputy Registrar.

Deputy Registrar.

(Endorsement by the Housing Commissioner).

(1) No. of tenements of the standard type for which loan is admissible.

(2) The cost of tenements under (1) above.

(3) The total amount including cost of land on which loan is to be calculated.

	Rs.
Cost of land	
Estimated cost of tenements	
Total ...	

(4) Percentage of loan and rate of interest.

(5) The amount of loan considered admissible.

(6) Other remarks and particulars, if any.

Housing Commissioner,
Bombay.

Government orders on the application.

Draft Agreement Forms to be executed when granting loans to Co-operative Housing Societies under the Housing Programme.

GOVERNMENT OF BOMBAY.

LABOUR DEPARTMENT.

Resolution No. 41/48.

Bombay Castle, 17th December 1948.

Read Government Resolution, Labour Department, No. 41/48, dated the 5th May 1948.

Endorsement from the Housing Commissioner, Bombay, No. B-GEN/9395, dated the 14th September 1948, forwarding a letter addressed to him by the Deputy Registrar of Co-operative Societies, Central Circle, Nasik, No. SRRN H9, dated the 27th August 1948:—

"Reference is invited to clauses 29 and 31 of Government Resolution, Labour Department, No. 41/48, dated the 5th May 1948. According to the said clauses, deeds will have to be executed by the Co-operative Housing Societies in favour of Government of Bombay for loans that they would receive. The security of lands and buildings to be constructed by these Societies will have to be taken against the loans to be given to them. Similarly, the members of the society will have to execute leases in favour of the Societies and will have to offer their tenaments as security for the loans that they receive from the Societies out of the loan sanctioned by Government.

"2. For this purpose the accompanying form of Indenture and Agreement suggest themselves to me as can be used for execution of the deeds, of course, with suitable modifications. For instance in the Indenture wherever the words 'Secretary of State for India in Council' occur, the name of the suitable officer will have to be substituted. The figure for the year will have to be suitably amended. In clause 2 of the Indenture; certificate from an officer of the Public Works Department will have to be deemed adequate and suitable changes in the clause will have to be made. In sub-clause B of clause 7 of the Indenture the amount of interest in arrears may have to be fixed at a lesser figure in view of the lower rate of interest which Government has been pleased to announce for loans to Co-operative Housing Societies in Urban areas.

"3. In the Agreement between the tenant and the Society the word 'Secretary of State for India in Council' wherever they occur will have to be suitably changed. In clause 1, instead of the Development Directorate, suitable officer will have to be specified. The rate of interest in clause 7 will have to be modified. It will have to be kept in mind that most of the Co-operative Housing Societies excepting those of Bombay are to be in mofussil places like Poona, Sholapur, Hubli and these Societies cannot have their solicitors but their lawyers only. Government will have its Government Pleaders. Suitable changes may, therefore, be made in clause 8 of the Agreement. In order that the changes may be comprehensively made in context of the conditions prevailing in the mofussil towns and the terms and conditions on which Government is now going to provide financial aid to Co-operative Housing Societies, I forward herewith the form of Indenture and the form of Agreement for due modifications in light of the existing conditions. If approved these forms may be got settled anew by the Remembrancer of Legal Affairs."

Endorsement to the Registrar of Co-operative Societies, Bombay Province, Poona, No. 41/48/21683-F, dated the 30th September 1948.

Letter from the Registrar of Co-operative Societies, Bombay Province, No. BS 90, dated the 9th November 1948 :—

"Reference Government endorsement, Labour Department, No. 41/48/21683-F, dated 30th September 1948 and letter dated the 7th October 1948 regarding form of Indenture and Agreement to be executed between Government and the Society and Society and member when granting loans for construction of houses.

"2. The forms No. 1 and C-1 sent by the Deputy Registrar, Co-operative Societies, Nasik, in this connection were used by Housing Societies in the past. Form No. (1) is a form of mortgage to be executed by Housing Societies in favour of Government for loans that they would receive, while form C-1 is to be executed by members of Housing Societies in favour of Societies for loans they would receive from Societies.

"3. Since Co-operative Housing Societies in Bombay City and Suburbs, Poona, Ahmedabad, Sholapur and Hubli would be granted loans by Government under the rules sanctioned in Government Resolution, Labour Department, No. 41/48, dated 5th May 1948, these forms can be prescribed for the Societies with slight modifications as pointed out in ink in the forms submitted herewith. If necessary the Remembrancer of Legal Affairs may be consulted in the matter before these forms are finally approved."

RESOLUTION.—Government is pleased to direct that the draft Mortgage Deed and Agreement printed as accompaniments to this Resolution should be adopted by the Deputy Registrars of Co-operative Societies when advancing loans to Co-operative Housing Societies under rules 29 and 31 of the Rules printed as an accompaniment to Government Resolution, Labour Department, No. 41/48, dated the 5th May 1948.

By order of the Governor of Bombay,

N. K. DRAVID,
Secretary to Government.

G. R., No. 41/48, L. D., dated the 17th December 1948.

To

The Registrar of Co-operative Societies, Bombay Province, Poona,
The Deputy Registrar of Co-operative Societies, Northern Circle, Surat,
The Deputy Registrar of Co-operative Societies, Central Circle, Nasik,
The Deputy Registrar of Co-operative Societies, Southern Circle, Dharwar,
All Assistant Registrars of Co-operative Societies,
The Commissioners of Divisions,
The Housing Commissioner, Bombay,
The Assistant Housing Commissioners,
The Collector of Bombay and Bombay Suburban District,
The Collector of Ahmedabad,
The Collector of Poona,
The Collector of Sholapur,
The Collector of Dharwar,
The Collector of Thana,
The Accountant General, Bombay,
The Finance Department,
The Revenue Department.

No. of 1948,

Copy forwarded for information and guidance to

Accompaniment to Government Resolution, Labour Department, No. 41/48, dated the 17th December 1948.

THIS INDENTURE made the day of one thousand nine hundred and forty

Between THE LIMITED a Society registered under the Co-operative Societies Act, 1925, and having its registered address at (hereinafter called "the Society" which expression shall include where the context so admits its successors and assigns) of the one part THE GOVERNOR OF BOMBAY (hereinafter called "the Government" which expression shall include where the context so admits his successors and assigns) of the other part.

WHEREAS the Society is entitled to the land described in the Schedule hereto under a [Conveyance, deed of sale, lease or agreement as the case may be] dated the day of one thousand nine hundred and forty and the Society intend to erect dwelling houses thereon in accordance with the plans relating to the lay-out of the land and of the buildings to be erected thereon which have been approved on behalf of Government by the Housing Commissioner / Consulting Surveyor

AND WHEREAS the Society having applied to the Government of Bombay for a loan to enable them to erect the said dwelling houses the Government of Bombay sanctioned a loan of Rupees to be advanced by instalments subject to the conditions hereinafter mentioned upon its being secured by a first mortgage of the said land and the buildings thereon in manner hereinafter appearing.

AND WHEREAS the first advance of Rs. in respect of the said loan was paid by the Deputy Registrar of Co-operative Societies,..... to the Society on the day of one thousand nine hundred and forty

NOW THIS INDENTURE WITNESSETH as follows :—

1. In consideration of the sum of rupees (Rs.) paid as a first advance of the said loan by the Deputy Registrar of Co-operative Societies on behalf of the Government to the Society (the receipt whereof the Society do hereby acknowledge) and in consideration of the further sums (if any) not exceeding Rs. to be advanced subject to the fulfilment of the conditions on the part of the Society hereinafter contained the Society doth hereby covenant with the Government as follows :—

(*a*) To pay to the Deputy Registrar of Co-operative Societies on behalf of the Government the said sum of rupees (Rs.) and such further sums (if any) not exceeding Rs. as may hereafter be advanced by the Government to the Society and (unless the principal moneys for the time owing can and shall be earlier demanded under the third clause hereof) to pay such sum and further sums by thirty-five equated annual instalments amounting (if the full amount of the loan shall be advance) to Rs. for principal and interest at the rate of per cent. in each year (the first year's interest to be calculated from the date of the final advance to the Society) and to pay the first or the first and second of such annual instalments of principal and interest at the expiration of one year or two years after the date of the said final advance to the Society and the subsequent instalments on the anniversary of the date of the said final advance in each subsequent year until the said thirty-five instalments shall have been fully paid.

This and other clauses must be altered if repayment is to be made by half-yearly instalments.

(*b*) To pay to the Deputy Registrar of Co-operative Societies on behalf of the Government the interest which shall have accumulated on the said first advance of rupees from the said date of such first advance and on all subsequent advances (other than the final advance the interest whereupon will be included in the first instalment of principal and interest) from the respective dates of such advances up to the date of the final advance at the rate of per cent. per annum without any deduction by thirty-five equal annual instalments to be paid on the date in each

year to be ascertained as aforesaid for the payment of the said equated annual instalments of principal and interest the first or the first and second of such instalment of accumulated interest to be paid at the expiration of one year or two years after the date of the said final advance.

(*c*) At all times from and after the date of the said final advance and so long as any principal moneys shall remain owing on this security to pay interest thereon in each year at the rate aforesaid except so far as such interest or any part thereof shall be included in any instalment of principal and interest paid by the Society under the preceding covenant (*a*).

(*d*) To expend the whole of the said sum paid to the Society as a first advance and of all subsequent advances under these presents upon the erection and completion of the said dwelling houses and the outbuildings and conveniences in connection therewith upon the said land described in the Schedule hereto and to complete the said dwelling houses fit for habitation in accordance with the lay-out and plans and estimates which have been or shall be hereafter approved $\frac{\text{by the Housing Commissioner}}{\text{Consulting Surveyor}}$ as aforesaid on behalf of Government on or before the day of one thousand nine hundred and forty

2. PROVIDED ALWAYS AND IT IS HEREBY AGREED AND DECLARED that the Government shall not be under any obligation to advance any further sum or sums to the Society unless and until the Society shall produce a certificate of the Housing Commissioner, Bombay, that the expenditure on the said dwelling houses or some of them has exceeded by at least twenty-five per cent. the sum or sums then advanced and unless and until the Society shall have satisfied the Government of Bombay that the Society has a good title to the said land and unless and until the Society shall satisfy the Government that the Society's power of borrowing money under its by-laws will not be exceeded by any such subsequent advance and that the Society has not created any charge upon the said land or the buildings thereon in priority to this security.

3. PROVIDED ALWAYS AND IT IS HEREBY FURTHER AGREED AND DECLARED that if the Society shall make default in the payment of any instalment of principal and interest or of any instalment of accumulated interest payable under sub-clauses (*a*) or (*b*) of the first clause hereof or of any part thereof respectively on any of the days to be ascertained as aforesaid for the payment thereof in any year during the continuance of this security for the space of three calendar months after the same shall have become due or if the Society shall commit any breach of its covenant contained in sub-clause (*d*) of the first clause hereof or of any of the covenants agreements and conditions hereinafter contained and on the part of the Society to be performed and observed or if an order be issued for the winding up of the Society or if the Registration of the Society shall be cancelled by the Registrar of Co-operative Societies or the Society shall be otherwise dissolved then and in any of such cases it shall be lawful for the Government at any time thereafter to demand immediate payment of the principal moneys then owing on the security of these presents and all such principal moneys and the interest thereon at the rate aforesaid from the dates of the respective advances to the Society (after deducting therefrom any instalment of principal and interest or any instalment of accumulated interest paid by the Society) shall notwithstanding anything herein contained be deemed to have become due and payable accordingly on the date of service of such demand upon the Society. PROVIDED that the Government shall be entitled to give time to the Society and if the Government shall so think fit to overlook any breach of covenant on the part of the Society and to condone the same at any time without in any way prejudicing the rights by this clause granted and reserved to the Government and which rights may notwithstanding any such condonation be thereafter at any time exercised by the Government.

4. PROVIDED ALSO and it is hereby agreed that if the full amount of the said loan shall not be advanced then the amount of each of the said annual instalments of principal and interest shall be proportionately reduced to such

amount as may be determined by the Government. PROVIDED ALSO that if no further or final advance shall be made then the date for the first payment of such annual instalments of principal and interest and of the said annual instalments of accumulated interest shall be determined by the Government and shall be paid by the Society accordingly.

5. For the consideration aforesaid the Society hereby grant and transfer unto the Government ALL that piece of land hereditaments and premises described in the Schedule hereunder written TOGETHER with all buildings and erections now or hereafter during the continuance of this security standing thereon and all fixtures (other than tenants fixtures) AND all rights, easements and appurtenances thereto belonging (hereinafter called the mortgaged property unless otherwise specified) TO hold the same unto the Government absolutely or (if the property is leasehold) for all the unexpired residue of the term of years granted by the said lease subject to the proviso for redemption hereinafter contained.

6. PROVIDED ALWAYS and it is hereby agreed and declared that upon payment of the said principal moneys with interest thereon in the meantime at the rate aforesaid and any other monies secured by these presents the Society shall be entitled at their request and cost to a transfer of the mortgaged property to the Society or to such person or persons as the Society shall direct.

7. IT IS HEREBY AGREED AND DECLARED that it shall be lawful for the Government without the intervention of the Court to sell or concur with any other person in selling the mortgaged property or any part or parts thereof either together or in lots and either by public auction or private contract and either with or without such special conditions or stipulations as to title or evidence or commencement of title or other matters as the Government may deem proper with power to buy in at any sale by auction and rescind or vary any contract for sale and to resell without being responsible for any diminution in price or loss occasioned thereby and with power to execute assurances and to give effectual receipts for the purchase money and to do all other acts and things as the Government shall think fit or proper PROVIDED ALWAYS and it is hereby agreed and declared that the power of sale hereby conferred shall not be exercised unless and until one of the following events shall have happened, namely :—

(*a*) Notice in writing requiring payment of the principal moneys for the time being owing on this security shall have been served on the Society and default shall have been made in payment of such principal moneys or of any part hereof for three calendar months after such service or

(*b*) Some interest under this mortgage amounting at least to five hundred rupees is in arrear and unpaid for three calendar months after becoming due.

AND IT IS HEREBY AGREED and declared that the provisions and trusts ancillary to the power of sale which are contained in section 69 of the Transfer of Property Act, 1882, shall apply to this security.

8. It is hereby agreed and declared that whenever it shall at any time become necessary for the purposes of the third seventh or other clauses hereof or in respect of any sale of the mortgaged property to ascertain the principal moneys or interest for the time being owing on this security or to ascertain what proportion of any equated annual instalment already paid by the Society shall represent principal moneys and what proportion shall represent interest then the respective amounts of principal moneys and interest at any time owing on this security shall be determined by the Government or by some person appointed by Government in that behalf and the decision thereon of the Government or of such person as aforesaid shall be conclusive and binding on the Society.

9. The Government shall permit the Society to retain possession of the mortgaged property so long as the Society shall duly perform and observe the covenants and conditions of these presents but if the Society shall make default in the payment of any instalment of principal and interest or any instalment of accumulated interest or any part thereof respectively for the period of three

calendar months in any year or shall commit any breach of the Society's covenants herein contained or if an order be issued for the winding up of the Society or if the registration of the Society shall be cancelled by the Registrar of Co-operative Societies or the Society shall otherwise be dissolved then and in any of such cases it shall be lawful for the Government or any person appointed by the Government in that behalf (without prejudice to any other powers or remedies under these presents or otherwise) to enter into possession of the mortgaged property and to receive the rents and profits thereof and (subject to any leases or agreements for leases or tenancies which shall have been granted or created by the Society under the provisions hereinafter contained) to let or lease the same or any part or parts thereof for any term or terms of years and at such rent or rents and upon such terms and conditions as the Government may think proper.

10. The Society hereby covenant with the Government as follows :—

(*a*) That the Society has full power to grant and transfer the mortgaged property in manner aforesaid free from incumbrances.

(*b*) That the Society will at all times during the continuance of this security duly pay the rent or assessment for the time being payable in respect of mortgaged property and all Municipal taxes or Local Fund cess and other taxes and charges payable in respect thereof as and when the same shall become due.

(*c*) That the Society will at all times during the continuance of this security keep all buildings now or hereafter standing on the mortgaged property and every part thereof in a good state of repair and also insured against loss or damage by fire to the full value thereof above plinth level in some Insurance Company in Bombay to be approved in writing from time to time by the Deputy Registrar of Co-operative Societies .....and will forthwith endorse over the policy or policies of insurance or otherwise transfer the same into the name of the Government and will punctually pay all premiums or sums of money necessary for effecting and keeping up such insurance and will produce to the Registrar of Co-operative Societies the receipt for every such payment seven days at least before the same shall respectively become due to the Insurance Company AND that if default shall at any time be made by the Society in effecting or keeping up such insurance as aforesaid or in producing to the Government the receipts for the payments of premium at the time aforesaide or in keeping the said buildings or any part thereof in good and substantial repair it shall be lawful for the Government to insure and keep insured all or any of the said buildings or any part thereof to the value aforesaid or (as the case may be) to repair and keep in repair the same and to pay all premiums or moneys necessary for such purposes AND that all moneys expended by the Government for such purposes together with interest thereon at the rate aforesaid from the time of the same respectively having been so expended shall on demand be repaid to the Government by the Society and until such repayment the same shall be a charge upon all the mortgaged property and shall be deemed to be part of the mortgage money hereby secured AND it is hereby agreed and declared that all sums of money received by virtue of any such insurance in respect of the destruction or damages by fire of the said buildings and erections shall at the option of the Government either be applied in or towards substantially rebuilding reinstating and repairing the said building or such part thereof as shall have been destroyed or damaged or in or towards the payment of the principal moneys and interest owing on this security.

(*d*) That the Society and every other person having or claiming any estate or interest in the mortgaged property or any part thereof will at all times at the cost until foreclosure or sale of the Society and afterwards at the costs of the person or persons requiring the same do and execute or cause to be done and executed all such acts and assurances for further assuring the mortgaged property or any part thereof to the Government as shall be reasonably required.

(e) That the Society shall from time to time permit the Registrar of Co-operative Societies or any person appointed by him to inspect the mortgaged property and the state and condition thereof for the purpose of ascertaining that the covenants and conditions of these presents have been observed and performed and that the same is used or occupied in accordance with the By-laws of the Society and with any Regulations approved by the Registrar and applicable to the Society and the Society shall from time to time furnish to the Registrar such written reports and statements relating to the use and occupation of the mortgaged property and the terms and conditions thereof as may be required.

11. Notwithstanding anything herein contained it shall be lawful for the Society from time to time and at any time before any principal moneys shall have become payable or shall have been demanded under the provisions hereinbefore contained to lease or agree to lease or let to members for the time being of the Society and in accordance with the By-laws of the Society any dwelling house now or hereafter erected upon the mortgaged property together with the plot of land to be held therewith for such term of years or other period and upon such terms and conditions as may from time to time be approved by the Registrar of Co-operative Societies. PROVIDED NEVERTHELESS that the Society shall not without the previous consent in writing of the Government of Bombay lease or agree to lease or let any building or land forming part of the mortgaged property except at an annual rent equivalent to not less than per cent. on the cost of the building and of the site thereof and on the proportionate cost of the construction of roads, drains and other conveniences on the mortgaged property applicable to such building and the site thereof and amortization charges at per cent. on such cost and an additional annual rent equivalent to a proportionate part of the insurance assessment rent municipal taxes or other charges applicable to any such building and site. PROVIDED ALSO that the Society shall not without such consent accept any premium or consideration other than such annual rents payable monthly or otherwise during the term or period of any such lease agreement or tenancy.

12. IT IS HEREBY AGREED AND DECLARED that any powers conferred upon or exercisable by the Government under these presents or otherwise and any demand notice consent or other document to be given to or served upon the Society may be exercised given or served by the Government or by any officer of any Department of the Government and any such demand notice consent or document shall be deemed to have been duly given or served if sent by registered post to the registered address for the time being of the Society or if delivered at such office.

IN WITNESS WHEREOF the Common Seal of the Society has been hereunto affixed and the Secretary of the Society and two members of the Committee of the Society have hereunto set their hands the day and year first above written.

To be executed in accordance with the By-laws.

THE SCHEDULE ABOVE REFERRED TO.

The Common Seal of the Limited was affixed hereto pursuant to a resolution duly passed at a meeting of the Committee of the Society held on the day of one thousand nine hundred and forty- in the presence of

Vide By-laws.

Chairman of the Society.

and } Two members of the Committee of Society.

and }

in the presence of—

(1) }

(2) }

(To be signed by two attesting witnesses who should add their addresses and descriptions.)

RECEIVED on behalf of the Limited from the Government of Bombay on the day of one thousand nine hundred and forty- the sum of rupees and on the day of one thousand nine hundred and forty- the sum of rupees making together the sum of rupees being the consideration above expressed to have been paid by the Government of Bombay to the Society.

Chairman of the Society.

Two members of the Committee of the Society.

Witnesses :—

FORM OF AGREEMENT TO GRANT A LEASE OR SUB-LEASE OF A PLOT ON WHICH A BUILDING IS TO BE ERECTED UPON THE TENANT OWNERSHIP SYSTEM.

(The marginal notes should be carefully attended to. When the Society holds its property on freehold title the word "Lease" should be inserted wherever "sub-lease" occurs.)

AN AGREEMENT made the day of One thousand nine hundred and forty- Between

LIMITED

whose registered office is situate at (hereinafter called "the Society") of the one part and of (hereinafter called "the Tenant") of the other part.

WHEREAS the Tenant is a member of the Society and the holder of shares in the Society and has applied to the Society for plot No. of the land belonging to the Society and for permission to erect thereon a dwelling house and for a loan from the Society.

AND WHEREAS the Society holds the said Plot No. under an Indenture of Lease dated the day of 194 and made between of the one part and the Society of the other part whereby the said Plot No. and other premises were demised to the Society for the term of years computed from the day of 19 at the annual rent of Rs. and subject to the covenants and conditions and agreements therein contained.

This recital and the next are alternative according to circumstances. And must both be deleted if the Society's title is freehold.

AND WHEREAS the Society holds the said plot No. under a Sanad granted by the Collector of dated the day of 19 and the terms of an Agreement executed by the Society under the provisions of the Bombay Land Revenue Code and subject to the regulations conditions and obligations in such Sanad and Agreement contained including the obligation to pay land revenue assessment.

To be used if the land is held under a Government Sanad.

AND WHEREAS the Society has spent money upon laying out roads giving access to Plot No. and on metalling sewering and paving the same and also upon levelling and fencing Plot No. and it has now been agreed that the Society shall receive in respect of Plot No. from the Tenant upon the transfer thereof a sum of Rupees (*a*) to be paid by instalments as hereinafter provided and shall further grant a loan to the Tenant of not exceeding Rs. to be expended upon erecting a dwelling house on Plot No. and to be advanced in instalments against production of the Engineer's certificate showing expenditure on the said dwelling house of at least thirty-three (*b*) per cent. more than the instalment applied for and which loan shall also be repayable by instalments as hereinafter provided.

The recital also according to circumstances.

(*a*) The share of capital charges allocated to this plot.

(*b*) May be altered according to the Committee's arrangements.

AND WHEREAS it has been agreed that the said sum of Rs. (*a*) and the said loan together amounting to a sum not exceeding Rs. the final amount to be ascertained hereafter according to the amount of loan actually advanced to the Tenant shall together with interest at the rate of (*c*) per cent. per annum computed from the date of each advance and upon the said sum of Rs. (*a*) from the date of the execution of this Agreement by the Tenant be payable by the Tenant to the Society by equated (*d*) instalments of principal and interest over a period of years commencing from the date of the final advance and the amount of such equated (*d*) instalments shall be calculated by the Society and shall become payable from such date as the Society shall certify.

(*c*) This should be slightly higher than the rate paid by the Society on any loan borrowed by the Society.

(*d*) Insert either monthly, three monthly, six monthly or yearly according to circumstances.

AND WHEREAS it has been further agreed that if and whenever the Tenant shall have repaid to the Society all moneys due and owing by the Tenant to the Society either by such equated (*d*) instalments as aforesaid or at the option of the Tenant by the payment in a lump sum at any time of the balance of principal money and interest remaining due and owing by the Tenant to the Society, the Society with the consent of Government as mortgagee (so long as the Indenture of Mortgage in favour of the Government of Bombay is in legal force and unredeemed) shall grant to the Tenant a Sub-lease / Lease free from all incumbrances of the said Plot No. for a term of years computed from the day of 19 at an annual ground rent of Rs. (which is the ground rent payable to the superior landlords in respect of the said plot), and at the other rents and subject to the conditions and agreements hereinafter mentioned NOW IT IS HEREBY AGREED as follows :—

Delete if there is no such mortgage.

Words in bracket to be deleted if the Society's title is freehold.

1. The Tenant shall be permitted to enter upon Plot No. and to erect thereon a dwelling house in accordance with plans elevations and estimates previously approved in writing by the Society and (*e*) by the Housing Commissioner Bombay on behalf of the Society and/or by the Consulting Surveyor to Government.

(*e*) Alter according to circumstances.

2. Possession of the said Plot is given to the Tenant subject to all rights of adjoining owners occupiers tenants and lessees [and subject also to the covenants and conditions of the hereinbefore recited Indenture of Lease to the regulations conditions and obligations of the hereinbefore recited Sanad granted by Government under which the Society holds the premises whereof the Tenant shall be presumed to have notice] and the Tenant shall be responsible for any damage which may be caused to any adjoining building or to the owner or occupiers thereof.

Alter according to circumstances and delete words in bracket if the Society's title is freehold.

3. Subject to the repayment by the Tenant to the Society of the hereinbefore mentioned sum of Rs. (*a*) and of the amounts to be advanced by the Society to the Tenant by way of loans for building purposes only together with interest in manner hereafter provided the Society with the consent if necessary of Government as hereafter mentioned shall grant and the Tenant shall accept a Sub-lease / Lease of the said Plot No. more particularly described in the Schedule hereunder written for a term of years computed from the day of 19 at an annual rent of Rs. and further at the respective other yearly rents referred to in the form of Sub-lease / Lease hereinafter mentioned and payable on the respective days therein mentioned the first payment of the respective rents to be made on the first of the said respective days for payment thereof next after the date of this Agreement and subject to all rights and easements affecting the property.

4. As from the date of the final advance made by the Society to the Tenant or the date of the first occupation of the said dwelling house whichever date shall first happen the Tenant shall commence to repay to the Society the total principal sum and interest by equated (*d*) instalments and the total principal sum shall consist of first the said sum of Rs. (*a*) with interest calculated thereon at the rate of (*c*) per cent. up to the date of such final advance, secondly the total amounts of such advances made by way of loan from time to time for building purposes and thirdly the amount of interest calculated at the rate of (*c*) per cent. from the date of each advance up to the date of the final advance.

5. The total principal sum calculated as aforesaid together with interest thereon at the rate of (*c*) per cent. calculated over a period of (*f*) years from the date from which repayments commence shall be paid by the Tenant to the Society by (*g*) equated (*d*) instalments of principal and interest calculated so as to provide for the repayment to the Society of the said principal sum and interest at the rate aforesaid within years such calculation being made by the Society and the first of such (*d*) instalments of principal and interest

(*f*) Period of repayment.

(*g*) Calculate the number of instalments.

shall become payable (*h*) calendar month after the date from which repayments commence and subsequent instalments shall be paid on the similar date in each and every subsequent (*j*) calendar month until the said (*g*) instalments shall have been fully paid.

(*h*) If instalments are monthly insert "one", if three monthly insert "three", and so on.
(*j*) If instalments are three monthly instalments insert "third" or if six monthly insert "sixth" and so on.

6. The Tenant shall be at liberty at any time upon giving three months' notice in writing to the Society to increase the amount of the said instalments so payable as aforesaid or to repay the whole of the balance of the principal sum and interest payable by the Tenant to the Society and whenever it shall be necessary to ascertain the principal moneys and/or interest for the time being owing by the Tenant to the Society or to ascertain what proportion of any equated instalments already paid by the Tenant shall represent principal moneys and what proportion shall represent interest then the respective amounts of principal money and interest at any time owing shall be determined by the Society subject nevertheless to the right of either the Society or the Tenant to refer the matter to the Registrar of Co-operative Societies appointed by the Government of Bombay whose decision shall be conclusive and binding on the Society and on the Tenant.

7. If the Tenant shall make default in the payment of any such equated (*d*) instalment on the due date thereof then the Tenant shall on demand pay to the Society interest upon each and every such instalment calculated from the due date thereof at the rate of six per cent. per annum and payable by (*d*) rests.

8. The said Sub-lease / Lease shall be in the form now approved and signed by or on behalf of the parties hereto and the Sub lease / Lease and counterpart thereof shall be prepared by the Society or the legal advisor for the Society at the expense of the Tenant and when the said principal moneys and interest have been fully paid shall be executed by the Society and the Tenant provided nevertheless that from the date hereof until the execution of the said Sub-lease / Lease the Tenant shall be bound and will perform and observe the covenants agreements and provisions on his part contained in the said form of Sub-lease / Lease as if the same had been actually executed by him.

Note.—The lease will be in the new Form substituted for Form "D" in Leaflet "U" unless the Society has special form of its own.

9. As from the date of this Agreement the Tenant shall punctually and regularly pay to the Society without any deduction whatsoever the rents and other sums reserved and payable under the said form of Sub-lease / Lease that is to say

First—A rent of one Rupee per annum if demanded.

Secondly—A rent of Rupees per annum being equal to the ground rent payable by the Society to the superior landlords [to the Collector of] in respect of Plot No.

Delete if the Society's title is free-hold.

Thirdly—A sum equal to the proportion applicable to Plot No. of the amount from time to time paid by the Society for assessments rates and taxes.

Fourthly—A sum equal to the amount expended by Society from time to time in insuring the buildings on Plot No. against fire.

Fifthly—Such sum as from time to time may be certified by the Society as the amount to be contributed by the occupier of Plot No. towards the general expenses of the management maintenance and development of the estate of the Society including expenses incurred on roads sewers drains and other amenities.

10. PROVIDED ALSO that if any equated instalment of the principal sum hereinbefore mentioned or any interest thereon or any part of such instalment or interest or the said rents or other sums reserved and payable under this Agreement or the said form of Sub-lease / Lease or any of them or any part thereof

shall remain unpaid for one calendar month after the same shall have become due and payable by the Tenant to the Society whether legally demanded or not or if there shall be any breach non-observance or non-performance of the covenants agreements and stipulations on the part of the Tenant herein contained or of any of them then and in any such case the Society may give to the Tenant or leave on the said premises notice in writing determining this Agreement and thereupon this Agreement shall determine and all instalments and other moneys paid by the Tenant under this Agreement shall be forfeited to the Society and shall become the absolute property of the Society and the Tenant shall forthwith surrender and give to the Society vacant possession of the said premises PROVIDED ALWAYS that the Society shall be entitled to give time to the Tenant and if the Society shall so think fit to overlook any breach of covenant on the part of the Tenant and to condone the same at any time without in any way prejudicing the rights by this clause granted and reserved to the Society and which rights may notwithstanding any such condonation be thereafter at any time exercised by the Society.

11. The said Plot together with other premises is at present mortgaged to the Government of Bombay to secure a loan advanced to the Society by the Deputy Registrar of Co-operative Societies, and so long as the mortgage remains in existence the Government of Bombay shall be a necessary party to any such $\frac{\text{Sub-lease}}{\text{Lease}}$ by way of confirming such demise and no such $\frac{\text{Sub-lease}}{\text{Lease}}$ shall be valid unless and until the same shall be executed by the Deputy Registrar of Co-operative Societies....., on behalf of the Government of Bombay.

12. The Tenant shall accept the title of the Society to grant the said $\frac{\text{Sub-lease}}{\text{Lease}}$ without enquiring into or making any requisition or objection with regard to such title and the Tenant shall pay all charges and expenses incidental to the said $\frac{\text{Sub-lease}}{\text{Lease}}$ and counterpart including stamp duty (if any) and registration charges.

13. The said premises shall from the date hereof be at the risk in all things of the Tenant and the Society shall not be in any way responsible therefor and the Tenant shall take the property as it is.

14. The Tenant shall not without the previous consent in writing of the Society assign or otherwise deal with the benefit of this Agreement or assign underlet vacate or part with possession of the said premises or any part thereof.

IN WITNESS WHEREOF the Common Seal of the Society has been hereunto affixed and two members of the Committee of the Society and the Secretary of the Society and the Tenant have hereunto set their hands the day and year first above written.

THE SCHEDULE ABOVE REFERRED TO.

(Description of the Plot.)

The Common Seal of the
CO-OPERATIVE
HOUSING SOCIETY LIMITED was affixed in the presence of the undersigned being two members of the Committee of the Society and the Secretary of the Society.

} Two members of the Committee of the Society.

The Secretary of the Society.

The Common Seal of the
CO-OPERATIVE
HOUSING SOCIETY LIMITED was affixed hereto and the said

being two members of the Committee of the Society and the said

being the Secretary of the Society have hereunto set their hands in the presence of

SIGNED by the abovenamed
in the presence of

FORM C-1

Dated day of 19

CO-OPERATIVE
HOUSING SOCIETY, LIMITED

AND

(To be substituted for Form "C" in Leaflet "U")

DRAFT

FORM OF AGREEMENT where Tenant is to erect a dwelling house and take a loan from the Society for the purpose.

STATEMENT II.

Major Head of Account: Recoveries of loan under Class V Misc. Loans to Co-Operati Housing Societies under the Housing Programme of Governme

Name of the Head of the Department.

Sub-Heads.	District, Division, or Circle.	Total estimate of receipts for 1956-57.	Estimated Receipt for			Remarks.
			1st April 1956 to 30th Sept.1956.	1st October 1956 to 31st December 1956.	1st January 1957 to 31st March 1957.	
1.	2.	3.	4.	5.	6.	7.
	Bombay	3,24,410	16,3604.12	56824-10	103930-10	
	Ahmedabad	1,46,610	73649	28464	44476	

STATEMENT II.

Major Head of Account:- 8X Interest-Interest on loans and Advances by State Govt Interest on loans to Co-Op. Housing Societies under the Housing Programme of Govt.

Name of the Head of the Department.

Sub-Heads.	District, Division, or Circle.	Total estimate of receipts for 1956-57.	Estimated Receipt for 1st April 1956 to 30th Sept.1956.	Estimated Receipt for 1st October 1956 to 31st December 1956.	Estimated Receipt for 1st January 1957 to 31st March 1957.	Remarks.
1.	2.	3.	4.	5.	6.	7.
	Bombay Region		10,800	5400	5400	
	Ahmedabad- Gujerat Region		3,400	1700	1700	
	Dharwar Mysore Region		7,200	3600	3600	

Statement showing the details reg. Socys.

Sr. No.	Name of Society.	No. of tenements on which loan is sanctioned.	Amounts of loan sanctioned in Rs.	Instalments sanctioned.	Date of Iss Order.
1.	The Navanikatan Co-Operative Housing Society Ltd. Hubli.	53	4,33,434	5 instalments, first of Rs.47,714 and 4 of Rs.96,430/-.	Government F Labour and F Department N dated 5th Ju
2.	The M & S.M. Railway Employees Co-Operative Housing Society Ltd. Hubli.	63	2,52,000	5 instalments, first of Rs.44,000/- and 4 of Rs.52,000/- each.	Government F Public Works ment No.18/4 16th Februar